

REMARKS

Reconsideration of this application is respectfully requested.

Claims 35-41, and 45 are rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Bunz in view of Martinie. Claim 42 is rejected under 35 U.S.C. §103(a) over Bunz, Martinie and Teinturier. Claims 43 and 44 are rejected under 35 U.S.C. §103(a) over Bunz, Martinie and McLean. Applicants traverse each of these rejections.

As Applicants set forth in the previous response, the intermediate bone attachment socket 60 of Martinie corresponds to the plastic covering of the present invention, not the inner sliding cup. In fact, the bearing socket 70 of Martini is the equivalent to the inner sliding cup and the socket 70 does not have any depressions on its outer surface.

The Examiner argues that Martinie is cited to show the use of projections and mating depressions to connect two socket-like layers of a hip prosthesis, thus it is irrelevant which part socket 60 corresponds to. Applicants respectfully disagree.

Pursuant to the office action, Martinie is cited to overcome the deficiency of Bunz, which “does not disclose a plurality of surface depressions arranged circumferentially on the outside of the sliding cup”. The feature set forth in claim 35 is “said sliding cup has a plurality of depressions on an outside”. Therefore, it does matter where surface depressions locate in a hip prosthesis. Since socket 60 does not correspond to the claimed sliding cup, even there were depressions on said structure, it does not cure the deficiency of Bunz.

Furthermore, unlike the sliding inner cup as presently claimed, the intermediate bone attachment socket 60 does not have depressions on its outer surface, instead, has projections and ribs on its outer surface.

The Examiner argues that the spaces between the projections or ribs could be interpreted as depressions.

Applicants respectfully submit that the Examiner wrongly interprets the terms of the claims. Depressions or ribs or projections are defined relative to the level of the surface, not relative to each other as alleged by the Examiner. If the structure has a lower level than the surface, it is a depression. If the structure protrudes outward from the surface, it is a projection/rib.

In addition, Applicants reiterate that the projections of socket 60 and the depressions of the present invention achieve different purposes: the purpose of having projections and ribs on the surface of the intermediate bone attachment socket 60 is to firmly secure the socket 60 to the acrylic seat 56, while in the present invention, the main purpose of having a plurality of depressions outside the inner sliding cup is to achieve high level strength with regard to tilting.

The Examiner alleges that functional limitations, in the absence of differentiating structure, do not confer patentable weight. However, as illustrated above, the projections of socket 60 and depressions of the present invention are distinct structures.

For the reasons discussed above, it would not be obvious for a skilled artisan to combine Bunz and Martini to arrive at the present invention. The deficiencies of the primary combination of Bunz and Martini are not overcome by any other cited secondary references. Thus, all rejections should be withdrawn.

In view of the foregoing, allowance is respectfully requested.

The Commissioner is hereby authorized to deduct any fee associated with this filing from
Deposit Account No. 50-0624.

Respectfully submitted,

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